

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: LITHIUM ION BATTERIES  
ANTITRUST LITIGATION**

Case No.: 13-MD-2420-YGR

MDL No. 2420

This Order Relates to:

**ORDER REQUIRING A RESPONSE**

All Indirect Purchaser Actions

Re: Dkt. No. 2778

On January 17, 2024, class member Michael Sussman filed an objection in this case, which he styled “Motion to Vacate Orders at Entries 2767, 2772, and 2777; to Enjoin Secondary Distribution; to Appoint Counsel to the Class to Assure Payments Are Made to Claimants.” (Dkt. No. 2778). Mr. Sussman makes six main arguments in that filing. They are:

- This Court can vacate the above-referenced orders and take control over the settlement distribution process currently underway;
- Class counsel failed to send “Last Chance” email outreach to approximately 20,500 claimants to whom digital payments were sent but who did not accept said payments;
- Contrary to representations made to this Court, technical difficulties with the distribution of settlement payments have affected more than a small portion of claimants;
- Settlement payments not received by claimants should be directed to the unclaimed property agencies of the claimants’ respective states, provided they meet certain thresholds;
- Claimants should not have been required to execute contracts with Blackhawk/Pathward Bank in order to receive digital settlement payments; and
- Class Counsel has a fiduciary duty to the class and must make sure that claimants are paid. If they cannot do so, the Court must appoint counsel.

The Court hereby **ORDERS** parties to respond in writing to the arguments identified above and raised in Mr. Sussman’s objection. Parties shall file one (1) joint response not exceeding ten (10) pages by no later than **Thursday, February 1, 2024**.

**IT IS SO ORDERED.**

Dated: January 25, 2024

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE